

LEVI & KORSINSKY, L.L.P.

39 BROADWAY, SUITE 1601
NEW YORK, NEW YORK 10006

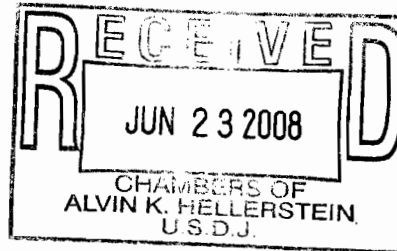
TEL: (212) 363-7500
FAX: (212) 363-7171
WWW.ZLK.COM

JUAN E. MONTEVERDE
Associate
jmonteverde@zlk.com

June 20, 2008

Via Facsimile (212) 805-7942

Hon. Alvin K. Hellerstein
United States Courthouse
500 Pearl St., Room 1050
New York, NY 10007



Re: Miller v. Morgan Stanley, Case No. 08-cv-3012

Dear Hon. Hellerstein:

I write this letter in connection with the above-referenced matter. I received a call (approximately 11am) from your Honor's clerk, Ms. Bridget Jones, notifying me that we failed to appear at a conference scheduled for this morning. We sincerely apologize to the Court for not appearing at the conference. Our failure to appear, however, was unintentional. Ms. Jones told me that the Court mailed to our office a notice for the conference. It appears, however, that we either did not receive the mailed notice or the notice did not get docketed due to a clerical error. I have since searched our files and as of yet have been unable to locate the notice. I was also informed that the notice of the conference was not docketed on the Pacer Service Center which we regularly check for status of all our matters before the U.S. District Courts. In particular, on June 19, 2008 we checked the status of this matter on Pacer Service Center and did not see the conference scheduled for today. Thus, we were unaware that the Court scheduled a conference for today. I apologize for any inconvenience our failure to attend has caused the Court.

I would like to take this opportunity to provide your Honor with a status of this matter. As the Court may be aware, this matter alleges claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. § 78j(b) and 78t, and Rule 10b-5, 17 C.F.R. § 240.10b-5 promulgated thereunder against defendants concerning the sale auction rate securities. In addition to this action, the law firm of Girard Gibbs & De Bartolomeo, LLP has a related matter captioned, Jamail v. Morgan Stanley, Case No. 08-cv-03178, before your Honor and in both cases there are motions pending to consolidate and for appointment of lead plaintiff. Aside from these two cases before your Honor, there are 29 other actions that have been filed across the country against different brokers, such as Morgan Stanley, UBS, Merrill Lynch, Oppenheimer, SunTrust and Citibank alleging similar claims. On June 12, 2008, the law firm of Girard Gibbs & De Bartolomeo, LLP filed with the Judicial Panel on Multidistrict Litigation a motion to transfer and consolidate all of these auction rate securities actions. The Judicial Panel has not ruled on this motion yet.

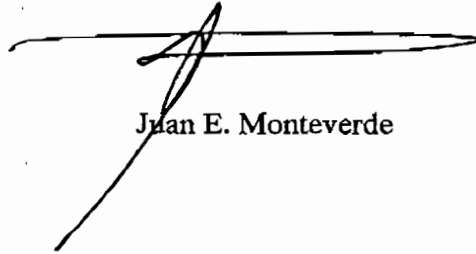
Pl's excuse for not attending the conference is without merit. The court's copy (not docketed) of the notice of conf. is attached. I shall advise, by July 2, 2008 if, in view of Mot proceedings, the motion for consolidation is appropriate. Lead counsel should be withdrawn. 6.25.08 Ark Helt

June 20, 2008

Page 2 of 2

We sincerely apologize for failing to appear at today's status conference and we are certainly available to appear at any rescheduled conference at the Court's convenience.

Very truly yours,

A handwritten signature in black ink, appearing to be "Juan E. Monteverde", written over a horizontal line.

Juan E. Monteverde

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 Gary Miller, on behalf of himself
 and all others similarly situated

Plaintiff(s),

-against-

Morgan Stanley & Co. Inc.

Defendant(s).
-----X

08 Civ. 3012 (AKH)
 Rel to 08 Civ 3178

**NOTICE OF COURT
CONFERENCE**

CHAMBERS OF ALVIN K. HELLERSTEIN

COPY MAILED/FAX TO: ☒COUNSEL FOR PLTFF(s) ☒COUNSEL FOR DFT(s) ☐PLTFF. PRO SE: ☐DFT. PRO SE: ☐

DATE: 6/23/08

BY: B. Jones

To: The Attorney(s) for Plaintiff(s) and Defendant(s):

The Honorable Alvin K. Hellerstein, U.S.D.J. has ordered that counsel for all parties and any pro se parties attend a conference, at the time and place fixed below, for the purpose of Case Management and scheduling pursuant to Rule 16 of the Federal Rules of Civil Procedure. Counsel or pro se plaintiff receiving this notice is directed to furnish all attorneys and any pro se parties in this action, as and when they appear, with copies of this order and enclosures, and to retain due proof thereof. If you are unaware of the identity of counsel for any of the parties, you must forthwith send a copy of this notice and enclosures to that party personally, informing the party that any unrepresented party is required to appear at the conference in person. Counsel attending the conference should be the attorneys who will try the action, or who have full authority to resolve all issues to be decided, to enter into stipulations and who are authorized to discuss settlement.

DATE, PLACE AND TIME OF CONFERENCE: June 20, 2008 at
 the United States Courthouse, 500 Pearl Street, New York, New York, 10007, in Courtroom 14D
 at 10:00 a.m./p.m.

In the absence of an unforeseeable emergency, applications for adjournment must be submitted no later than one week prior to the conference date.

Counsel are required to meet and confer about case management prior to the scheduled conference date. No later than one week prior to the conference, the parties shall furnish the Court with a written report of their agreements regarding the planning of discovery pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. Enclosed is a form for a Case Management Plan that the parties may utilize in making this report. Counsel must still attend the scheduled conference even if they have come to agreement upon all the terms of the Case Management Plan. The Case Management Plan shall provide that the case be ready for trial within the shortest practicable time. As agreed upon by counsel, discovery may, and preferably should, commence prior to the conference before the Court. Counsel shall also inform the Court as to whether they consent to having the action tried before the Magistrate Judge assigned to the action (without identifying which parties have or have not so consented).

In addition to the matters detailed in the Case Management Plan, counsel should also be prepared to address at the conference: the factual and legal bases for their claims or defenses, identification and quantification of all alleged damages, any issue as to subject matter jurisdiction, the factors relevant to the potential for settlement and when such discussions should take place, and any other issue relevant to case management.

If this case has been designated an electronic case, by the date of the initial pretrial conference, counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing. In accordance with Individual Chambers Rules, courtesy copies of all motions and supporting memoranda, affidavits, and exhibits must be sent to chambers by mail.

Dated: New York, New York

April 22, 2008

Brigitte Jones

Brigitte Jones
Courtroom Deputy

It is Ordered that counsel to whom this Order is sent is responsible for faxing a copy to all counsel and retaining verification of such in the case file. Do not fax such verification to Chambers.

Please include telephone numbers and fax numbers on all documents submitted to the Court.

Please forward a courtesy copy of the complaint to:

Alvin K. Hellerstein
U.S. District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

UNITED STATES DISTRICT COURT

CHAMBERS OF

ALVIN K. HELLERSTEIN

DISTRICT JUDGE

UNITED STATES COURTHOUSE

500 PEARL STREET

NEW YORK, NEW YORK 10007-1312

Eduard Korsinsky/Joseph Levi/Juan E.
Monteverde
(08 Civ. 3012)
Levi & Korsinsky, LLP (NY)
39 Broadway, Suite 1601
New York, NY 10006